IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 31888 of 2005(U)

PETITIONER:

T.RAGHAVAN, HEAD MASTER,
AIDED LOWER PRIMARY SCHOOL, DEVIKULAM ESTATE,
MUNNAR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. CHELLASAMI.S. 48, UKC NAGAR, POLLACHI ROAD, UDUMALPETTA, COIMBATORE 646 126.

2. J.THANKAPPAN @ PATHROSE, MALCHINGA, THOTTAM, NEDUMAN VIA, PARASSALA P.O. THIRUVANANTHAPURAM.

3. A.PICHAMMAL, KURISU MOTTA COLONY, SURYANELLI P.O. UDUMBANCHOLA.

4. THE IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED, MUNNAR BRANCH, MUNNAR, REPRESENTED BY ITS MANAGER.

5. THE ASSISTANT EDUCATIONAL OFFICER, MUNNAR.

6. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, IDUKKI.

BY SR. OVERNMENT PLEADER SRI. P. N. SANTHOSH
SRI.T.R.RAVIIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.31888 OF 2005

DATED THIS THE 5th DAY OF MARCH, 2007

JUDGMENT

The petitioner along with the respondents 1 and 3 offered themselves as sureties to cash credit facility availed of by the 2nd respondent from the 4th respondent Bank. The 2nd respondent did not re-pay the amount due under the facility. The petitioner's contention is that although the petitioner provided the 4th respondent – bank with the 2nd respondent's correct address and he also alerted the 4th respondent about the 1st respondent's impending retirement from service, no action has been taken to recover the dues from them and therefore the proceedings initiated against the petitioner alone is without bona fides and liable to be interfered with by this Court.

2. It is under the above circumstances, the petitioner has approached this court for various reliefs relating to recovery of amount from him. However for the present he would be satisfied with a direction to the 6th respondent to consider Ext.P3 representation filed by him and to pass appropriate orders thereon as expeditiously as possible.

3. I have heard the learned counsel for the petitioner as also the learned Government pleader appearing for the 6th respondent.

4. In view of the facts and circumstances disclosed in the writ petition, I direct the 6th respondent-Joint Registrar of Co-operative Societies to consider and pass appropriate orders on Ext.P3 as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner as well as the respondents 1 to 4. Till such disposal, the interim order passed by this Court on 16.11.05 and extended from time to time would continue to be in force.

Writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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